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09/937,628	11/20/2001	Kenji Yoshioka	21900/0039	2052

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Morris Liss
Connolly Bove Lodge & Hutz
PO Box 19088
Washington, DC 20036-3425

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
2635	3

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,628

Applicant(s)

YOSHIOKA ET AL.

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2635

EXAMINER'S RESPONSE

Status of Application

In response to the applicant's amendment received on 5/4/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-7 remain unpatentable for the reasons set forth in this office action:

This case has been reassigned to a different Examiner. Accordingly, all correspondence regarding this case should reflect the new Examiner.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

1. Claims 1-2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okagaki et al. (heretofore Okagaki) in view of Hatcher further in view of Nagashima et al. (heretofore Nagashima).

In reference to claim 1, Okagaki teaches an emergency communication system (**Fig 1**), comprising:

Art Unit: 2635

- An emergency communication system terminal unit **(telephone unit 6, connected to security system 5)** installed on a vehicle **(unit designed for automotive use)**
- Emergency communication conveying means **(faceplate of radio 15)** serving as a communication device **(communicates wirelessly, Page 7, paragraph [0108])** connected to said terminal unit so that a signal can be transmitted and received **(transmits and receives through infra-red radio frequency, Page 7, paragraph [0108]),**

Said emergency communication system transmits emergency information to a predetermined communication partner via said emergency communication conveying means.

- Means for detecting whether or not said emergency communication conveying means is connected to said emergency communication system terminal unit so that signal can be transmitted and received **(Absence of communication with the faceplate disables the radio and arms the security system, Page 7, paragraph [0106-0110])**

Okagaki does teach that when the user detaches the faceplate of the car stereo that anti-theft system goes into effect discouraging theft of any of the system's components which includes the security control unit that monitors vehicle theft **(Page 7, paragraph [0106-0110]).**

Art Unit: 2635

Okagaki does not teach that the emergency communication system comprises:

- Means for prohibiting advancing movement of the vehicle when it is detected that the conveying means is not connected as the result of said detection

Hatcher suggests the use of a vehicle security system that immobilizes the vehicle to prevent theft **(Abstract)**.

Nagashima suggests that a mobile phone be integrated with the faceplate of the radio so that the car stereo is rendered inoperable when removed and so that the faceplate of the stereo remains useful to the carrier **(Abstract)**.

It would have been obvious to one skilled in the art at the time of invention to combine the teaching of Okagaki with the suggestions of Hatcher because Okagaki teaches that the security control unit should detect attempted theft **(Col 6, paragraph [0111])** and Hatcher suggests a way to avert theft through maintaining hydraulic brake actuation thus immobilizing the vehicle to unauthorized users. In addition, Hatcher suggests that this invention be used in a vehicle security system **(Abstract)**.

It would have been obvious by one skilled in the art at the time of invention to combine the teachings of Okagaki with the suggestions of Nagashima because Okagaki describes the use of a removable faceplate for the stereo and Nagashima suggests incorporating a cellular phone with the faceplate. In addition, Nagashima suggests that the combination of mobile phone unit and stereo faceplate would help to remove the reluctance to take the faceplate with

Art Unit: 2635

the vehicle operator due to the fact that the faceplate doubles as a phone (**Col 2, lines 15-39**).

Okagaki teaches that the security system should alert the user through the cellular telephone **6** that the security system has detected an abnormal event (**Page 16, paragraph [0258-0259]**). It would have been advantageous to place a mobile phone in the faceplate of the radio to reduce the number of devices the user has to carry and also provide a way for security system to report an abnormal event.

In reference to claim 2, claim 1 is taught as above. Nagashima teaches that the handy phone (**faceplate is also a telephone**) is used as the emergency communicating means and a telephone number specific to said handy phone is collated with a telephone number stored in advance (**A telephone number is an identification code. Nagashima teaches that an identification code assigned to faceplate/phone must be input for activation of the stereo containing the same identification code, Col 6 lines 11-24**), and if the two telephone numbers do not agree with each other operation of the starting system of the vehicle is disabled (**Nagashima teaches that when the identification code does not agree with the stored identification code, operation of the starting system of the vehicle is stopped according to the flow chart shown in FIG 4b, noted by decision boxes 113 and 120.**)

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Okagaki, Hatcher and Nagashima with the

Art Unit: 2635

suggestions of disabling the starting system of a vehicle because disabling starting systems such as ignitions and fuel injection systems are well known additions to vehicle security systems in order to deter theft of the vehicle.

In reference to claim 4, claim 1 is taught as above. Hatcher suggests the use of brake engager so that the brake cannot be disengaged when the security system of the vehicle is enabled **(Col 1, lines 6-14)**.

In reference to claim 5, claim 1 is taught as above. When the faceplate is removed, the normal connection cannot be confirmed, thus enabling the security system. Okagaki teaches that a cell phone should attempt to contact an authorized user of the vehicle to alert them that an attempted theft might be taking place **(Page 1, paragraph [0014])**. Thus, there is provided a transmitting means **(cell phone 6)** for relaying information to an authorized user of the vehicle that it is not possible to confirm normal connection to the emergency conveying means **(the security system which is armed due to the absence of the faceplate, thus not being able to confirm normal connection to the faceplate, has entered alert mode)**

In reference to claim 6, claim 1 is taught as above. Okagaki teaches that an indicator is provided on a dashboard where instruments are installed, said indicator is used for transmitting that it is not possible to confirm normal connection of the emergency conveying means **(Indicators such as the conspicuous absence of the faceplate/phone on the radio housing are**

Art Unit: 2635

given in the Okagaki and Nagashima patents. Also, non-normal connection of the faceplate would render the radio inoperable to the rest of the system, thus the indicators on the dash-mounted faceplate would not show proper connection to the rest of the equipment. In addition, it is well known in the art to use a blinking LED light, mounted on the dashboard, to indicate the activation of the security system. Normal operation of the faceplate/phone would deactivate the security system).

In reference to claim 7, claim 1 is taught as above. When the faceplate is removed the normal connection cannot be confirmed, thus enabling the security system.

Okagaki teaches that when security system detects an extraordinary event (**such as attempted theft**), the main unit is powered up, and the user is informed of the event through the functioning of the telephone system (**Page 1, paragraph [0014]**). It is an inherent property of the user, once notified of the event, to remember when such an event occurs or to record the event. In addition, cell phone records of the call would be maintained for billing purposes.

Thus Okagaki, Hatcher and Nagashima teach all the limitations of claims 1-2, and 4-7.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okagaki, Hatcher, and Nagashima further in view of Thibeault. Claim 1 is taught

Art Unit: 2635

as above. Thibeault suggests the use of a solenoid switch to disable the shift knob so that the shift knob cannot be shifted from park to drive.

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Okagaki with the suggestions of Nagashima and Thibeault because Okagaki teaches that the security control unit should detect attempted theft (**Col 6, paragraph [0111]**) and Thibaeult suggests a way to avert theft through the use of a shift knob locking mechanism. In addition, Thibeault suggests that his invention be used with a security device such as an enabling/disabling encoder (**encoder shown as keypad 20, Col 6, lines 53-63**).

Thus, Okagaki, Hatcher, Nagashima, and Thibeault teach all the limitations of claim 3.

Response to Arguments

Applicant's arguments filed 5/4/04 have been fully considered but they are not persuasive.

The applicant argues that the references (Ogaki is the only reference the applicant really addresses in their response) do not show the radio functioning as a communication unit with a predetermined partner. First, it is noted that the applicant agrees that the faceplate of Ogaki does communicate with a computer as a predetermined partner, so this argument is a little confusing in that respect. Additionally, it is noted that the secondary reference Nagashima suggests providing a radio faceplate with cellular telephone capabilities; this again

Art Unit: 2635

provides the faceplate with the ability to communicate with a predetermined partner, namely a cell tower.

The applicant argues that Ogaki's radio 15 does not transmit emergency information. It is noted that the combination rejection provides a radio faceplate with cellular telephone capabilities. It is very well known that AM/FM radios provide communication of emergency information. Additionally, all cell phones provide the capability and are used very often for calling other people to relay emergency information.

The applicant argues that when the faceplate of Ogaki's radio is detached, no automatic control is performed except that a theft discouraging effect is performed. Again the applicant fails to realize the additional reference in the rejection. Here the reference to Hatcher suggest immobilization of a vehicle upon detecting a security violation such as that of Ogaki.

The applicant argues that removal of the faceplate of Ogaki does not result in any change in status or electrical signal condition. The fact that a function is performed in response to detecting that the faceplate is not attached does prove that there is a detection of a change of the state of the device.

Art Unit: 2635

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BAZ